EQUAL OPPORTUNITY - GOALS

MOBILIZATION CHECKLIST

- ✓ **BRIEF SOLDIERS**
  - – ACTIVE DUTY - EO COMPLAINT REGULATION – AR 600-20
    - ✓ TRI-FOLD EO HANDOUT
  - – REVIEW REPORTING CHANNELS
- ✓ **IDENTIFY AND TRAIN EQUAL OPPORTUNITY RESPRESENTATIVES IN EACH MOBILIZATION UNIT**
- ✓ **ESTABLISH CONTACT WITH ACTIVE DUTY EOA**
  - – FT BLISS
  - – OCONUS-OVERSEAS

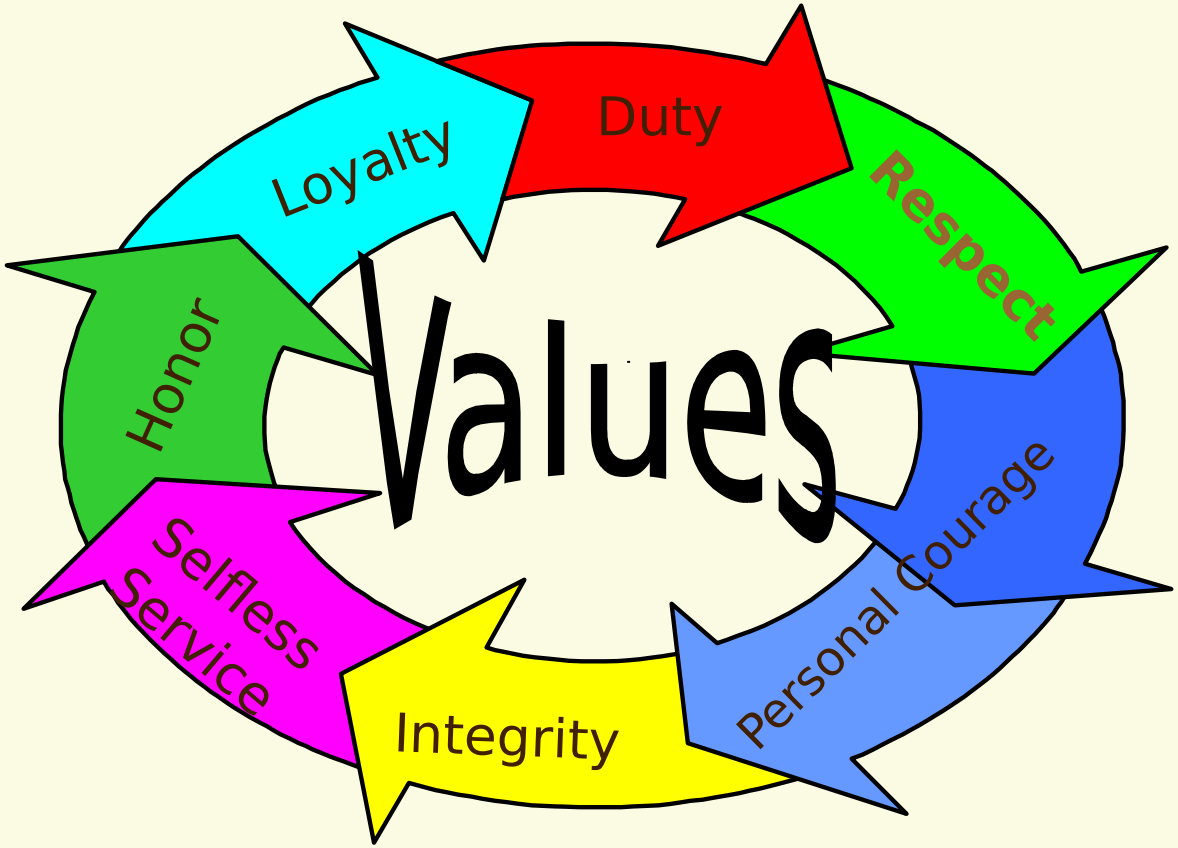
EO BRIEFING

MOBILIZATION AND EQUAL OPPORTUNITY

EQUAL OPPORTUNITY REPRESENTATIVES

EQUAL OPPORTUNITY

"HARASSMENT AND DISCRIMINATION" RUNS CONTRARY TO ARMY VALUES



VALUES

- **Values are attitudes about the worth or importance of people, concepts and things.**
- **Influence Perceptions**

PERSONALLY – PROFESSIONALLY

TITLE 10 vs. 32

EQUAL OPPORTUNITY PROGRAMS

TITLE 10

EQUAL OPPORTUNITY PROGRAM

The Equal Opportunity regulation governing EO training and complaints under Title 10 differs from Title 32, National Guard regulation

TITLE 10

EQUAL OPPORTUNITY PROGRAM

- **Under Title 10 and PERSCOM requirements the Equal Opportunity Advisors within the National Guard do not deploy as EOAs, but in their primary MOS.**

- **Mobilized unit EORs have an important role, with key responsibilities in assisting commanders in implementing a sound command driven Equal**

EQUAL OPPORTUNITY REPRESENTATIVE

- **ROLE**

  – Advisor to the commander in recognizing detractors from a healthy EO climate within the unit

- **RESPONSIBILITY**

  – Assist commanders in an advisory role in carrying out the Army's Equal Opportunity Program within their unit

- **DUTIES**

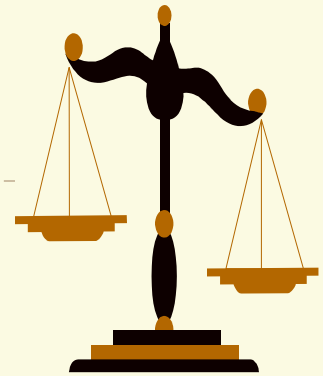
  – Preparing and conducting EO training and briefings

  – Referring EO issues/complaints to the chain of command

EQUAL OPPORTUNITY REPRESENTATIVE

CHAIN OF COMMAND

- **Active Duty - Unit Chain of Command**
  - Make every attempt to resolve EO issues for soldiers on active duty prior to their end of tour
  - AR 600-20 Para E-14a
- **NCO Support Channel**
  - EO Resource Contact



TITLE 10

EQUAL OPPORTUNITY PROGRAMS

AR 600-20

ARMY COMMAND POLICY

Applicable during full mobilizations

TITLE 10

ARMY EQUAL OPPORTUNITY POLICY

PROVIDE:

- Equal Opportunity and fair treatment for military and civilian personnel, and family members

- An environment free of unlawful discrimination and offensive behavior

Army Equal Opportunity Policy applies to soldiers:

- On and off post
- During duty and non-duty hours

TITLE 10

EO / SEXUAL HARASSMENT COMPLAINT PROCESS

AR 600-20

APPENDIX E

EO complaints that allege unlawful discrimination or unfair treatment on the basis of race, color, religion, gender, and national origin.

CHAIN OF COMMAND PROCESS

Other Channels (Alternative Agencies) for Reporting EO Complaints

DA Poster 600-4

EO COMPLAINT PROCESS

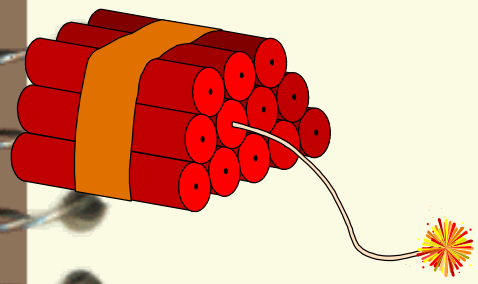
PURPOSE

FOSTER RESOLUTION

- **Open lines of communication**
- **Hear all sides of the allegation**

DETERMINE VALIDITY & MERIT

- **Through inquiry and investigation**



Defuse the bomb, complaints that linger and stall in the process foster animosity and could lead to further problems.

COMMANDERS / ALTERNATIVE AGENCY RESPONSIBILITIES

- Ensure information is complete
- Ensure individual is Sworn to Complaint
- Clarify basis of complaint (protect category)
- Identify additional information
- Tell what happened
  - Who, What, Where, When, and How
- Acknowledge receipt of Complaint
- Complete process within 14 calendar days
- Refer complaint within 3 calendar days
- Provide written feedback to complainant within 14 calendar days

TITLE 10

EO / SEXUAL HARASSMENT COMPLAINT PROCESS

AR 600-20

TYPES OF EO COMPLAINTS

INFORMAL

FORMAL

APPENDIX E

AR 600-20

INFORMAL COMPLAINT

- Lowest level resolution
- Severity does not warrant formal complaint
- Not subject to time suspense nor is it reportable
- No requirement for chain of command intervention
- May not involve the chain of command
- Confidentiality possible (but not guaranteed)
- Memorandum of Record

FORMAL COMPLAINT

- Inability to resolve the complaint informally
- Subject to time suspense and requires documentation of actions taken
- Soldier uncomfortable with the informal process
- Complaint is against a member of the soldier's chain of command or another superior officer
- Warrants an official investigation
- Complaint filed in writing and the complainant swears to the accuracy of the information
- Desire of the soldier to use an outside agency or higher echelon command
- DA Form 7279-R - *Equal Opportunity Complaint*

APPENDIX E

AR 600-20

FORMAL COMPLAINT

Filing: 60 calendar days of the alleged incident

- DA Form 7279-R - *Equal Opportunity Complaint Form*
- Allegations that are criminal in nature are exempt from the 60 day rule
- Chain of Command Process

APPENDIX E

AR 600-20

FORMAL COMPLAINT

AFTER 60 DAY TIMEFRAME

- Commander may inquire into or investigate late formal complaints – depending on circumstance in late filing
- Appendix E – Para 5 Timeliness of Action

AR 600-20

FORMAL COMPLAINT

REPRISAL PLAN

- Commander will establish and implement a reprisal plan to protect the complainant, any named witnesses, and the alleged perpetrator from acts of reprisal
- APPENDIX E, Para E4c

APPENDIX E

AR 600-20

FORMAL COMPLAINT – TIMELINES

60 days – Complainant file

3 days – Act upon Formal Complaint

72 hours – Commander report formal complaint to General Courts-Martial Convening Authority (GCMCA) in the chain of command

14 days – Commander's investigation and discuss outcome with the victim/subject (may be extended by next higher echelon commander)

7 days – Complainant to appeal to next higher CDR

14 days – Appeal investigation

30-45 days – Equal Opportunity Advisor follow-up (Appendix E, Para E-10)

APPENDIX E

AR 600-20

ELEMENTS OF INQUIRY / INVESTIGATION

- Clarify nature of Complaint
- Interview as appropriate
- Gather relevant information
- Consult Equal Opportunity Advisor
- Assess Information

AR 600-20

UNSUBSTANTIATED COMPLAINTS

- Insufficient or no evidence to support the allegation(s)
- Documented evidence gathered during the inquiry or investigation that thoroughly disputes the allegation(s)

SUBSTANTIATED COMPLAINTS

- Sufficient evidence to support the basis of the complaint
- Sufficient evidence to support all or part of the allegation(s)

Appendix E,
Para E-8,9

AR 600-20

EO APPEAL PROCESS

- Within 7 calendar days
- Appeal must include the specific issues the complainant disagrees with
- Filed with the immediate or next higher command
- Commander in receipt of the appeal has 3 calendars to refer the appeal to the next higher unit commander
- Commander reviewing and acting on the appeal has 14 calendar days to consider the appeal
- Final decision Authority – First General Court

AR 600-20

Appendix E, Para E-8

EO APPEAL ACTIONS

- Approval
- Denial
- Order an additional investigation
- Provide written feedback to the complaint within 14 calendar days of the results

AR 600-20

FORMS OF REPRISAL

- Threatening
- Intimidation
- Harassment

INCIDENTS OF REPRISAL

- Made a Protected Disclosure
- Unfavorable action threatened or take
- Official or other person having knowledge of disclosure of complaint
- Disclosure caused action taken
- Evidence that disclosure caused action

WHISTLEBLOWER PROTECTION

- Section 1034, Title 10, United States Code (U.S.C.), requires an expeditious investigation of all allegations of reprisal for whistleblowing submitted by military members

- DoD Directive 7050.6, Military Whistleblower Protection, implements Section 1034, Title 10, (U.S.C.)

ARMY POLICY ON SEXUAL ASSUALT

Dated 7 April 2004

- Army policy promotes awareness and education to prevent sexual assault; sensitive care for sexual assault victims; aggressive, timely, and though investigation of all reported sexual assaults; and accountability for those who commit these crimes.

- Under Army policy sexual assault is a crime that cannot and will not be tolerated

EQUAL OPPORTUNITY REPRESENTATIVES

- CONTINUING EDUCATION
  - ✓ If time allows at mobilization station contact active duty EOA for receive formal EOR training
  - ✓ Familiarize yourself with AR 600-20

EQUAL OPPORTUNITY REPRESENTATIVES

- MOBILIZATION EOR HANDBOOK:
  - ✓ **AR 600-20, Army Command Policy**
  - ✓ **Army Police on Sexual Assault dtd 7 Apr 04**
  - ✓ **NGB-EO Memorandum: Equal Opportunity Mobilization Issues**
  - ✓ **DA Poster 600-4 – Active Duty, Title 10 - EO / Sexual Harassment Complaint Process**
  - ✓ **DA Form 7279-R Equal Opportunity Complaint Form**
  - ✓ **EOA Points of Contact – Active Duty**
  - ✓ **Sexual Harassment Handout Information**
    - ✓ What is Sexual Harassment
    - ✓ Specific Examples of Sexual Harassment